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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/493,530	01/28/2000	Duane J. Pontbriand	60.158-107	2373

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EXAMINER

NOLAN, SANDRA M

ART UNIT	PAPER NUMBER
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1772

15

DATE MAILED: 09/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n No.

09/493,530

Applicant(s)

PONTBRIAND ET AL.

Examiner

Sandra M. Nolan

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-8 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-8,10-14,17 and 18 is/are rejected.
- 7) ☒ Claim(s) 15, 16, 19, and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims

1. Pursuant to entry of the amendment dated July 9, 2002 (Paper No. 14), claims 1, 2, 4-8 and 10-20 are pending. Claims 13-20 were added via Paper No. 14.

Rejection Withdrawn

2. The 35 USC 112 rejection of claims 8-12 as indefinite, as explained in section 5 of the April 9, 2002 Office Action (Paper No. 13), is hereby withdrawn in view of applicants' amendment to claim 8 in Paper No. 14.

Rejection Maintained

3. The 35 USC 103 rejection of claims 1, 2, 4-8, and 10-12, now claims 1, 2, 4-8, 10-14, 17, and 18, as unpatentable over Wong et al (US 5,178,902) in view of Tanaka et al (US 5,993,975), as set out in section 8 of Paper No. 13, is maintained for reasons of record.

As to the intermediate substrates recited in new claims 13-14, 17 and 18, Tanaka suggests them. Note that Tanaka teaches, as substrates, zinc alloy plated steel (col. 7, lines 4-5) and "electro-zinc" plated steel (col. 7, line 5). "Electro-zinc" is deemed to mean electroplated zinc.

Allowable Subject Matter

4. Claims 15, 16, 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Respons to Arguments

5. Applicant's arguments filed in Paper No. 14 have been fully considered but they are not persuasive.

The arguments in Paper No. 14 will be responded to in the order in which they were presented.

On page 3, applicants argue that their amendment to claim 18 overcomes the 35 USC 112 rejection of claims 8-12.

The Examiner agrees. See section 2, *supra*.

On page 3, applicants argue that the 35 USC 103 rejection over Wong in view of Tanaka is improper because employing a single layer coating as disclosed in Tanaka would ruin the benefits of Wong, which calls for protective polyolefin sheath over an epoxy covering.

However, the rejection says that it would be obvious to employ the coatings of Tanaka to render the steel pipes of Wong more resistant to corrosion, impact and scratching. It does not say that it would be obvious to combine the coatings of Wong with those of Tanaka. Thus, the alleged "combining [of] all layers of Wong into one layer" is not part of the 35 USC 103 rejection stated in Paper No. 13.

On page 3, applicants argue that claims 15, 16, 19 and 20 are patentable because they require that the outer epoxy coating form a crust, which crust is not taught or suggested by the art of record.

The examiner agrees. See section 4, *supra*.

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Final Rejection

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication should be directed to Sandra M. Nolan, whose telephone number is 703/308-9545. The Examiner can normally be reached on Monday through Thursday, from 6:30 am to 4:00 pm, Eastern Time.

If you cannot reach the Examiner by telephone, her supervisor, Harold Pyon, can be reached at 703/308-4251. The general fax number for A.U. 1772 is 703/305-5436. The after final fax number is 703/872-9310. The receptionist answers 703/308-0661.



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